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OFFICE OF PETITIONS

In re Application of :
Vidal et al. :
Application No. 09/620,680 : ON PETITION
Filed: 20 July, 2000 :
Atty Dkt No. 10974-239004 :

This is a corrected decision on the petition under 37 CFR 1.182 filed on 12 November, 2004, requesting entry of an amendment to the specification to correct a reference to an earlier-filed application pursuant to the provisions of 35 U.S.C. § 120.¹

The petition is **GRANTED**.

The record indicates that this application was co-pending with earlier-filed application No. 09/300,839, filed on 28 April, 1999, which was copending with application No. 08/923,274, filed on 4 September, 1997, which was copending with application No. 08/420,525, which was filed on 11 April, 1995. Petitioner requests that this abandoned application be amended by correcting the references to the earlier-filed applications.

35 U.S.C. § 120 permits entry of a subsequent amendment to an abandoned application in applications filed prior to 29 November, 2000, to include the benefit of an earlier filing date for purposes other than prosecution.²

¹The petition was dismissed on 5 April, 2005, because Office PALM records indicated that the abandonment had been rescinded. As of 11 April, 2005, however, Office PALM records indicated that the application was abandoned.

²See Sampson v. Commissioner of Patents and Trademarks, 195 USPQ 136 (D.C.D.C. 1976).

In view thereof, the request for entry of an amendment to correct the references to the above-noted earlier-filed applications is granted.

Counsel's deposit account, No. 06-1050, will be re-charged the petition fee of \$130.00.

The application file is being referred to Technology Center 1636 for entry of the amendment.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions